IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2009 of 1987

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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VK KRISHNAN & 3 - Petitioner(s)

Versus

STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :

M/S NJ MEHTA ASSO. for Petitioner(s) : 1,NOTICE UNSERVED for Petitioner(s) : 2, 4,NOTICE SERVED for Petitioner(s) : 3,
GOVERNMENT PLEADER for Respondent(s) : 1,
NOTICE SERVED for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 23/12/2005

ORAL JUDGMENT

The petitioner has filed this petition under Article 226 of the Constitution of India seeking direction to the respondent state Government to fill

in the existing posts of the Compose Foremen/ Compose Overseers by considering and promoting the Lino Operators like the petitioners to the aforesaid posts as per the ratio prescribed under the Compose Foremen Recruitment Rules, 1976 and as per the Compose Overseers Recruitment Rules 1976 and for restraining the respondent state Government from filling in the existing posts of Compose Foremen/Compose overseers except by way of promotion of the Lino Operators like the petitioners. The petitioners have further sought for direction to the respondent state Government to consider and treat the petitioners as promoted to the post of Compose Foreman/ compose overseer in accordance with the ratio prescribed under the compose Foremen Recruitment Rules 1976 and also in accordance with the Compose Overseer Recruitment Rules 1976 and for extending all consequential benefits like arrears, of salary, seniority, promotion etc.

2.The petition was admitted on 21.12.98 however, the interim relief was refused. Mr. Shalin Mehta learned advocate appeared for the petitioner and L.B Dabhi Learned AGP for the respondents. The petition is of

1987 and at the time of issuance of rule interim relief was not granted. Hence all the promotions have been given effect to during the pendency of the petition. Out of four petitioners two petitioners have expired one after retirement and other one in course of service. The petition has therefore become infructous by the efflux of time. The Court is therefore disposing of this petition only on the ground that the petition has become infructous by efflux of time. The Court has not gone into the merits of the case. Liberty is granted to move this Court in case of difficulty or if need so arises in future.

3. Subject to the aforesaid, direction this petition is accordingly disposed of. Rule is discharged without any no order as to costs.

(K.A.PUJ, J)

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